

Bureau of Internal Affairs
Investigations Division
Confidential Investigations Section

27 January 2012

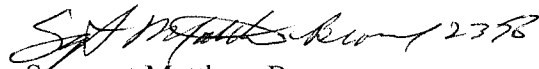
TO: Commander Robert Klimas
Director of Investigations
Bureau of Internal Affairs

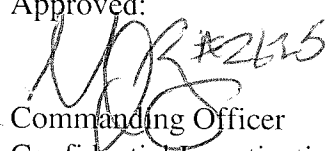
FROM: Sergeant Matthew Brown
Confidential Investigations Section
Bureau of Internal Affairs

SUBJECT: Approval of Complaint Register Investigation

REFERENCE: Complaint Log Number 1050830

The aforementioned complaint log investigation has been completed and is being submitted for your approval.


Sergeant Matthew Brown
Confidential Investigations Section
Bureau of Internal Affairs

Approved:

Commanding Officer
Confidential Investigation Section
Bureau of Internal Affairs

Commander Robert Klimas
Director of Investigations
Bureau of Internal Affairs

SUMMARY REPORT DIGEST

CHICAGO POLICE DEPARTMENT

LOG NO
1050830TYPE
CRDATE OF REPORT
27-JAN-2012

INSTRUCTIONS: To be used in all cases that are to be classified as either **EXONERATED**, **UNFOUNDED**, **NOT SUSTAINED**, **NO AFFIDAVIT**, or in **SUSTAINED** cases where the Disciplinary Recommendation does not exceed **Five (5) DAYS SUSPENSION**.

TO: DEPUTY SUPERINTENDENT, BUREAU OF PROFESSIONAL STANDARDS
ATTENTION: CHIEF, INTERNAL AFFAIRS DIVISION

FROM - INVESTIGATOR'S NAME	RANK	STAR NO	EMPLOYEE NO	UNIT ASSIGNED	UNIT DETAILED
BROWN, MATTHEW	9171	2378		121	

REFERENCE NOS.(LIST ALL RELATED C.L., C.B., I.R., INVENTORY NOS., ETC., PERTINENT OF THIS INVESTIGATION)

INCIDENT ADDRESS:		DATE / TIME:05-DEC-2011 16:12	BEAT: 1224
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ACCUSED

NAME	RANK	STAR NO	EMP NO	UNIT ASSIGNED	UNIT DETAILED	SEX/RACE	DOB	APPOINTED DATE	ON DUTY ?	SWORN ?
UNKNOWN						/			UNK	UNK

REPORTING PARTY

NAME	ADDRESS*	CITY STATE	TELEPHONE	SEX / RACE	DOB / AGE

VICTIMS

NAME	ADDRESS*	CITY STATE	TELEPHONE	SEX / RACE	DOB / AGE

WITNESSES

NAME	ADDRESS*	CITY STATE	TELEPHONE	SEX / RACE	DOB / AGE
MERCADO, ORLANDO	RANK: 9161,STAR NO: 17965,EMP NO:			M / S	46
WALTER, MARK	RANK: 9174,STAR NO: 8991,EMP NO:			M / WHI	54
FLISK, MARGARET	RANK: 9171,STAR NO: 2682,EMP NO:			F / WHI	39
VILLAGRANA, ALEXANDER	RANK: 9161,STAR NO: 8770,EMP NO:			M / S	41
					/
					/

* IF CPD MEMBER, LIST RANK, STAR, EMPLOYEE NOS. IN ADDRESS, PAX/BELL IN TELEPHONE BOX.

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ALLEGATIONS

Complainant [REDACTED] alleges unidentified member(s) of the Department are operating as unlicensed and uninsured private security contractors at the COSTCO job site located in the 1400 block of South Ashland Avenue.

SUMMARY

See attached continuation page.

ATTACHMENTS

INVESTIGATIVE REPORTS - SUPPORTING ALLEGATIONS LIST ATTACHMENTS NUMBER	INVESTIGATIVE REPORTS - SUPPORTING ACCUSED MEMBERS(S) LIST ATTACHMENTS NUMBER:	PHYSICAL EVIDENCE LIST ATTACHMENTS NUMBERS:	TOTAL NUMBER OF ATTACHMENTS SUBMITTED WITH THIS FILE:
4, 6, 8, 9 & 10	13 & 14	-0-	14

FINDINGS - RECOMMENDATIONS

Allegation 1 - UNFOUNDED

DATE INITIATED
(Date incident was received for investigation)

10-JAN-2012

DATE COMPLETED (Date of this report)

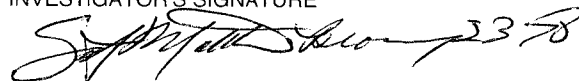
27-JAN-2012

ELAPSED TIME
(Total time expressed in days)

17

Investigator will initiate the Command Channel Review form by
completing the Investigator's Section.

INVESTIGATOR'S SIGNATURE



IF NECESSARY, USE AN 8 1/2 x 11" SHEET OF WHITE PAPER TO CONTINUE ANY ITEM.

This investigation was initiated based on information sent to Superintendent Garry F. McCARTHY via facsimile message by the complainant dated 7 December 2011. In her letter the complainant alleged that unidentified member(s) of the Department were acting as unlicensed and uninsured private security contractors. The Office of the Superintendent sent Intra Departmental Memo Number 11-1568 to the Bureau of Internal Affairs for review on 21 December 2011. After reviewing the information contained in the memo this complaint log investigation was initiated on 22 December 2011.

The investigation was initially assigned to Police Officer Orlando MERCADO #17965 on 4 January 2011. Officer MERCADO accompanied by Reporting Sergeant met with the complainant in the offices of VASA Security at 3742 West 63rd Street, Chicago, Illinois on 10 January 2012. The complainant signed the sworn affidavit required for the investigation to proceed. At that time Reporting Sergeant was introduced to Mr. Jack ROBLES, a security supervisor for VASA Security who was present on 5 December 2011 when the incident leading to this investigation took place. Mr. ROBLES agreed to submit to a formal statement at that time.

In his formal statement Mr. ROBLES stated in summary that Security Officer Rudy MARTINEZ of VASA Security was assigned to a job site for a new COSTCO store located in the 1400 block of South Ashland Avenue on behalf of NOVAK CONSTRUCTION. A female white identifying herself as security for the site showed up driving a black Mustang bearing Illinois license [REDACTED] and requested to be allowed access to the site as she was "the new security outfit." Mr. ROBLES was called to the site to investigate and eventually saw a female white driving the black Mustang who asked for access to the site. Mr. ROBLES met with this unidentified female who said she was a police officer but would not identify herself to him, neither by name or by showing Department credentials. It should be noted that there is a separate complaint log investigation regarding the allegation of failure to identify oneself being conducted by a 9th District supervisor. This investigation pertains only to the allegation of unlicensed and uninsured security contractors.

Mr. ROBLES stated further that since he was unaware of any new security arrangements for the job site, coupled with the fact the unidentified female would not identify herself he did not allow her access to the job site.

Due to time constraints regarding another investigation, Reporting Sergeant and Officer MERCADO advised the complainant they would return the following day and asked if it was possible to have any other witnesses available for interview. The complainant agreed and said she would have witnesses the next day.

Upon returning to the Reporting Sergeant's office, the plate of the black Mustang was run through L.E.A.D.S. and it was determined the vehicle belonged to Margaret FLISK who is a Sergeant with the Department. Due to the involvement of Sergeant FLISK as a possible accused Reporting Sergeant requested this investigation be re-assigned to him and it was effective that day.

On 11 January Reporting Sergeant and Officer MERCADO returned to the offices of VASA Security and took statements from the complainant, [REDACTED], witness Security Officer Rudy A. MARTINEZ and witness [REDACTED] Jr., all of VASA Security. All their statements corroborated the allegation that an unidentified female white driving the aforementioned black Mustang had arrived on the scene and alluded that she was now in charge of security inside the COSTCO site and never identified herself as a private security officer, contractor or police officer. The female never showed any type of credentials to any witness at any time.

In their statements [REDACTED] both identified Mr. Patrick MORIARITY as a contact person regarding security for NOVAK CONSTRUCTION. [REDACTED] identified Mr. Jim HEMPLEMAN as the person in charge of safety for NOVAK CONSTRUCTION.

With insufficient information at this time to make Sergeant FLISK an accused, she was entered into the investigation as a witness until/unless further information came to light to the contrary. Reporting Sergeant requested Police Agent Mark WALTER to make inquiry with the Illinois Department of Financial and Professional Regulation to ascertain if the complainant and Sergeant FLISK were licensed as private security contractors. This inquiry showed that the complainant is licensed whereas Sergeant FLISK is not.

On 24 January 2011 at approximately 1830 hours Reporting Sergeant conducted a surveillance of the job site listed in the complaint. The job site in question is located in the area from 14th Street to 15th Street, Ashland to Paulina. The entire job site is cordoned off by six foot chain link fence with view inside blocked by opaque material.

Inside the job site Reporting Sergeant could observe a dark colored SUV with red and blue flashing lights in the dashboard. This vehicle was driving slowly through the area. Reporting Sergeant went to the closed entrance at 14th Place and Paulina and stood outside the perimeter of the site. At 1835 hours the SUV with flashing lights came to the locked gate and a man exited the vehicle and approached Reporting Sergeant.

Reporting Sergeant asked the man who he was and he said he was security for the site. Reporting Sergeant identified himself as a member of the Bureau of Internal Affairs and asked him if he was a Chicago Police Officer. The man said he was and identified himself as Police Officer Alexander VILLAGRANA, Star 8779 from unit 543 and that he

was working security for the job site. Reporting Sergeant asked him who did the scheduling for the job and he replied "Megan." Officer VILLAGRANA was then identified as another witness to this investigation.

On 25 January 2012 Reporting Sergeant attempted to contact Mr. Patrick MORIARITY and Mr. Jim HEMPLEMAN but was unsuccessful. On 26 January 2012 Reporting Sergeant was successful in reaching both.

In a telephone conversation Mr. MORIARITY explained he would be unable to meet in person with Reporting Sergeant but agreed to answer questions. Mr. MORIARITY stated he is the General Superintendent of the COSTCO job site. He further stated in summary that NOVAK CONSTRUCTION has hired off-duty Department personnel to work security at the job site in question and that each Department member is to the best of his knowledge a direct employee of NOVAK CONSTRUCTION. To the best of his knowledge there is no intermediary involved in their employment.

In a telephone conversation Mr. HEMPLEMAN explained he too would be unable to meet in person with Reporting Sergeant but agreed to answer questions. Mr. HEMPLEMAN stated he is the Project Supervisor of the COSTCO job site. He stated in summary that off duty Chicago Police personnel have been hired as security for his job site and they are direct employees of NOVAK CONSTRUCTION. Mr. Hempleman stated the scheduling of personnel is done by one of the members working security, but reiterated that all personnel working security are paid directly by NOVAK CONSTRUCTION and are employees of NOVAK CONSTRUCTION. He further stated that he would be able to provide cancelled checks attesting to the status of security personnel if it was necessary.

PROFESSIONS AND OCCUPATIONS (225 ILCS 447/) Private Detective, Private Alarm, Private Security, Fingerprint Vendor, and Locksmith Act of 2004.

Sec. 25-5. Exemptions; private security contractor. The provisions of this Act related to licensure of a private security contractor do not apply to any of the following:

...(3) A Person, watchman, or proprietary security officer employed exclusively by only one employer in connection with the exclusive activities of that employer.

The Department members that are working for NOVAK CONSTRUCTION at the COSTCO job site located on Ashland Avenue are direct employees of NOVAK CONSTRUCTION. As direct employees they are not involved as security contractors nor are required to abide by the licensing requirements that security contractors must heed to according to Illinois Compiled Statutes.

Bureau of Internal Affairs
Investigations Division
Confidential Investigations Section

27 January 2012
Complaint Log Number 1050830
Summary Report Digest Continuation

The allegation against unidentified Department member(s) has been UNFOUNDED based on the statements of Mr. Patrick Moriarity and Mr. Hempleman. Therefore this investigation must cease.

LIST OF ATTACHMENTS - C.L. 1050830

1. Face Sheet.
2. Conflict Certification – Police Officer Orlando Mercado.
3. Conflict Certification - Sergeant Matthew Brown.
4. Initiation Report and related documents.
5. Sworn Affidavit for Complaint Log Investigation.
6. Witness Statement – Mr. Jack ROBLES – 10 January 2012.
7. Progress Report – 10 January 2012 with L.E.A.D.S. and CLEAR information.
8. Witness Statement – Mr. Rudy A. MARTINEZ – 11 January 2012.
9. Witness Statement - [REDACTED] - 11 January 2012.
10. Witness Statement - [REDACTED] Jr. – 11 January 2012.
11. Information Report and related documents – 11 January 2012.
12. Progress Report with CLEAR information -25 January 2012.
13. Progress Report – telephone interview with Mr. Patrick MORIARITY – 26 January 2012.
14. Progress Report – telephone interview with Mr. Jim HEMPLEMAN and excerpts of ILCS 225 ILCS 447 – 26 January 2012.